الرسالة التَّشنَّائِيَّة

THE CHENNAI TREATISE ON ANNUAL PAYMENT OF ZAKAAH

By

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FOREWORD

During my visit to Chennai (formerly known as Madras), India, for a series of lectures in the Winter of 2002, I was confronted with a *Fiqh* issue concerning the annual payment of *Zakaah* around which there was much controversy at the time. I immediately addressed it and dealt with it in some of my lectures as thoroughly as was possible, given the limited reference resources which were available to me and the time constraints of my lecture schedule.

For most people who attended my lectures in Chennai, my answers backed up with evidences were satisfactory. However, for those who were staunch followers of the local scholar who had made the controversial *fatwaas* (ruling), it became obvious that a more detailed refutation was necessary. Furthermore, I was informed that one of the highly respected local scholars from the Ibn al-

Qayyim Center had requested the brother to debate the subject on more than one occasion, but to no avail.

On my return to the UAE, the brothers who organized my lecture tour, informed me that the local scholar had claimed that the evidences that I had used were not authentic, consequently the controversy was raging again. They regularly contacted me asking for my written response and sent me the scholar's Arabic compilation indicating that the commonly used evidences were inauthentic.

After reviewing the Arabic text, it became obvious that the response was not what it was purported to be. Furthermore, it even contained some of the arguments in support of the standard position of *Ahlus-Sunnah wal-Jamaa'ah.* I informed the brothers in Chennai of that fact and even translated the scholar's Arabic response for them.[1] However, that did not prove to be sufficient.

[1] It has been added to the treatise as an appendix.

Consequently, in response to repeated requests, which also emanated from other parts of India, like Bangalore, Bombay, etc., I finally decided to put this treatise together. Another major reason for compiling this detailed refutation was the fact that the student of knowledge's *fatwaa* had led to many leading Indian businessmen, and middle class professionals abandoning the payment of their *Zakaah.*

As regards the treatise itself, for the benefit of the general public, I have added a general introduction to clarify the fundamental principles that should be used in dealing with issues of this nature as well as issues involving innovation (*bid'ah*) in general.

May Allah accept this effort as being solely for His pleasure and add it to my scale of good deeds as well as the scales of all who have helped in publishing and distributing it.

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INTRODUCTION

Question: Is it a requirement that *Zakaah* be paid for wealth on which *Zakaah* has previously been paid, if it remains above the *nisaab* (the minimum exemption limit)? It has been argued by a particular scholar in Chennai, India, that there are no authentic *hadeeths* to support this position and that furthermore, *Zakaah* is purification of wealth, whereby, once done, it is already pure and not in need of re-purification.

This issue is one on which Muslim scholars have not differed since the time of the Sahaabah until today. It has been the consensus of Muslim scholars from the first generation until today that *Zakaah* is required annually on all accumulated wealth above the *nisaab* on which a year has passed. The numerous books of *fiqh* produced by the various

schools of Islaamic law and Jurisprudence (*math'habs*) over the past thousand years discuss the major issues of *Zakaah* without mentioning elaborate proofs for this point due to being unanimously accepted. Asking for proof of its obligation today is equivalent to asking for textual proof that fasting is required annually for those who have fasted in previous years, since the texts only state that "fasting in Ramadan" is an obligation, and they do not state "fasting *every* Ramadan". Or proof that a person can make *Hajj* more than once, considering that the Prophet (ﷺ) only made it once in his lifetime and Allah said that pilgrimage to Makkah is an obligation without indicating that it may be done repeatedly. These and similar issues must be taken back to the principle of "the way of the believers" as mentioned in the verse:

﴿ وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَى وَيَتَّبِعْ غَيْرَ سَبِيْلِ الْمُؤْمِنِيْنَ نُوَلِهِ مَا تَوَلَّى وَنُصْلِهِ جَهَنَّمَ وَسَاءَتْ مَصِيْرًا ﴾

"Whoever contradicts the Messenger after guidance has been made clear to him, and follows a way other than that of the believers, I will leave him to his own means, and put him in hell; an evil end." (*Surah an-Nisaa',* 4: 115)

It is not sufficient to take the Qur'aan and Sunnah and to interpret their texts according to one's own understandings, independent of the explanations of the Companions of the Prophet (ﷺ), and the clarifications of the subsequent generations of righteous scholars, no matter how knowledgeable one may become. To ignore their understanding is the first step on a path leading to

deviation, misguidance and destruction as indicated by the above-mentioned Qur'anic verse, and supported by the hadeeth narrations concerning the 73 sects[2]. The Prophet (ﷺ) described the saved sect in those narrations as the one following the same path that he and his companions were on[3], or he described

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[2] *Sunan Abu Dawud,* vol. 3, pp. 1290-1, no. 4580, and authenticated in *Saheeh Sunan Abee Daawood,* vol. 3, p. 115-6, no. 4597.

عَنْ مُعَاوِيَةَ بْنِ أَبِي سُفْيَانَ أَنَّهُ قَامَ فِينَا فَقَالَ أَلاَ إِنَّ رَسُولَ اللَّهِ ﷺ قَامَ فِينَا فَقَالَ:))أَلاَ إِنَّ مَنْ قَبْلَكُمْ مِنْ أَهْلِ الْكِتَابِ افْتَرَقُوا عَلَى ثِنْتَيْنِ وَسَبْعِينَ مِلَّةً وَإِنَّ هَذِهِ الْمِلَّةَ سَتَفْتَرِقُ عَلَى ثَلاَثٍ وَسَبْعِينَ ثِنْتَانِ وَسَبْعُونَ فِي النَّارِ وَوَاحِدَةٌ فِي الْجَنَّةِ وَهِيَ الْجَمَاعَةُ.((

Mu'aawiyah ibn Abee Sufyaan relayed that the Prophet (ﷺ) got up and spoke to them, saying, "Indeed those before you from the People of the Book divided into seventy-two sects. And [the people of] this religion will divide into seventy-three sects, seventy-two will be in Hell and one will be in Paradise, and it is the *Jamaa'ah*."

[3] Reported by al-Haakim in *al-Mustadrak,* (1: 128).

them as being the *Jamaa'ah*, or community [of reliable scholars]. As well as the narrations instructing us to follow his Sunnah and the Sunnah of the Righteous Caliphs following him.[4]

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[4] *Sunan Abu Dawud*, vol. 3, p. 1294, no. 4590, and authenticated in *Saheeh Sunan Abee Daawood*, vol. 3, pp. 118-9, no.4607.

فَقَالَ الْعِرْبَاضُ صَلَّى بِنَا رَسُولُ اللَّهِ ذَاتَ يَوْمٍ ثُمَّ أَقْبَلَ عَلَيْنَا فَوَعَظَنَا مَوْعِظَةً بَلِيغَةً ذَرَفَتْ مِنْهَا الْعُيُونُ وَوَجِلَتْ مِنْهَا الْقُلُوبُ فَقَالَ قَائِلٌ يَا رَسُولَ اللَّهِ كَأَنَّ هَذِهِ مَوْعِظَةُ مُوَدِّعٍ فَمَاذَا تَعْهَدُ إِلَيْنَا فَقَالَ:))أُوصِيكُمْ بِتَقْوَى اللَّهِ وَالسَّمْعِ وَالطَّاعَةِ وَإِنْ عَبْدًا حَبَشِيًّا فَإِنَّهُ مَنْ يَعِشْ مِنْكُمْ بَعْدِي فَسَيَرَى اخْتِلَافًا كَثِيرًا فَعَلَيْكُمْ بِسُنَّتِي وَسُنَّةِ الْخُلَفَاءِ الْمَهْدِيِّينَ الرَّاشِدِينَ تَمَسَّكُوا بِهَا وَعَضُّوا عَلَيْهَا بِالنَّوَاجِذِ وَإِيَّاكُمْ وَمُحْدَثَاتِ الْأُمُورِ فَإِنَّ كُلَّ مُحْدَثَةٍ بِدْعَةٌ وَكُلَّ بِدْعَةٍ ضَلَالَةٌ ((.

Al-'Irbaad ibn Saariyah said, "One day Allaah's Messenger () led us in prayer, then he approached us and gave us a deep admonition, which caused (our) eyes to shed tears and hearts to soften. So someone said, 'O Messenger of Allah! This sounds like an admonition of one

Furthermore, general statements of the Qur'aan and Sunnah that have other implications, which were not acted upon by the first generations, cannot be legitimately implemented by later generations, as this is one of the foundations for innovation (bid'ah). For example: The Prophet (ﷺ) stated:

((إِنَّ يَدَ اللَّهِ عَلَى الْجَمَاعَةِ))

"*Indeed, Allaah's hand is on the community.*" [5]

and he also said,

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bidding farewell, so what do you command us?' He (ﷺ) replied, '*I command you to fear Allah, and to hear and obey (the Muslim rulers), even if he be an Ethiopian slave. For indeed those of you who will live after me will see many differences. So stick to my Sunnah and the Sunnah of the rightly guided caliphs; hold on to it with your molars. And beware of newly invented matters, for every newly invented matter is a* bid'ah *(innovation in the religion) and every* bid'ah *is misguidance.*' "

[5] Ruled authentic by Shaykh al-Albaanee in *Saheeh Sunan an-Nasaa'ee,* vol. 3, p. 82, no. 4032.

((صَلاَةُ الْجَمَاعَةِ تَفْضُلُ صَلاَةَ الْفَـذِّ بِسَبْعٍ وَعِشْرِينَ دَرَجَةً)).

"*Prayer in congregation is worth 27 times more than prayer done individually.*"[6]

عَنْ عَرْفَجَـةَ بْنِ شُـرَيْحٍ الْأَشْـجَعِيِّ قَـالَ رَأَيْتُ النَّبِيَّ عَلَى الْمِنْبَـــرِ يَخْطُبُ النَّاسَ فَقَـــالَ:))إِنَّهُ سَـــيَكُونُ بَعْـــدِي هَنَـــاتٌ وَهَنَـــاتٌ فَمَنْ رَأَيْتُمُوهُ فَارَقَ الْجَمَاعَةَ أَوْ يُرِيدُ يُفَرِّقُ أَمْـرَ أُمَّةِ مُحَمَّدٍ كَائِنًا مَنْ كَـانَ فَـاقْتُلُوهُ فَـإِنَّ يَـدَ اللَّهِ عَلَى الْجَمَاعَـةِ فَـإِنَّ الشَّـيْطَانَ مَـعَ مَنْ فَـارَقَ الْجَمَاعَةَ يَرْكُضُ((.

'Arfajah ibn Shuray<u>h</u> al-Ashja'ee narrated that the Prophet () was giving a sermon to the people, and he said, "Indeed there will appear after me trials and (more) trials. So whomever you see splitting from the Jamaa'ah or wishing to split up the affairs of Mu<u>h</u>ammad's Ummah (), no matter who he is, then kill him. For indeed Allaah's hand is on the Jamaa'ah, and Satan is running with the one who splits from the Jamaa'ah. "

[6] *Sahih Al Bukhari,* vol. 6, pp. 204-5, no. 241.

عَنْ أَبِي هُرَيْـرَةَ رَضِـيَ اللَّهُ عَنْـهُ عَنْ النَّبِيِّ قَالَ:))فَضْلُ صَلاَةِ الْجَمِيعِ عَلَى صَـلاَةِ الْوَاحِـدِ

He also instructed that whenever anyone enters the masjid, he or she should pray two units of prayer before sitting down.[7] However, it is not permissible to pray these two units in congregation. Scholars are of the unanimous opinion that

خَمْسٌ وَعِشْرُونَ دَرَجَةً وَتَجْتَمِعُ مَلاَئِكَةُ اللَّيْلِ وَمَلاَئِكَةُ النَّهَارِ فِي صلاَةِ الصُّبْحِ((. يَقُولُ أَبُو هُرَيْرَةَ اقْرَءُوا إِنْ شِئْتُمْ وَقُرْآنَ الْفَجْرِ إِنَّ قُرْآنَ الْفَجْرِ كَانَ مَشْهُودًا.

Aboo Hurayrah related that the Prophet (ﷺ) said, "*The superiority of a congregational prayer over the prayer of an individual is twenty-five degrees. The angels of the night and the angels of the day meet during the morning prayer.*" Aboo Hurayrah added, "Read if you wish: **'(I swear) by the morning recitation (of Qur'aan), indeed it is witnessed.'** "

[7] *Sahih Al-Bukhari,* vol. 2, p. 147, no. 264 and *Sahih Muslim,* vol. 1, p. 347, no. 1540.

عَنْ أَبِي قَتَادَةَ بْنَ رِبْعِيٍّ الأَنْصَارِيَّ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ النَّبِيُّ ﷺ : ((إِذَا دَخَلَ أَحَدُكُمْ الْمَسْجِدَ فَلاَ يَجْلِسْ حَتَّى يُصَلِّيَ رَكْعَتَيْنِ.))

Aboo Qataadah ibn Rib'ee al-Ansaaree quoted the Prophet (ﷺ) as saying: "*Whenever any of you enters a mosque, he should not sit until he has prayed two units of prayer.*"

praying *Tahiyyatul-Masjid* in congregation is impermissible, even though the general implications of the *hadeeths* indicate that it would be more rewarding. The reason being that the Prophet (ﷺ) and his Companions were not know to have ever done that.

Among those who defend the celebration of the Prophet's (ﷺ) birthday are those who claim that it is based on a Qur'anic injunction; the verse:

﴿إِنَّ اللـهَ وَمَلاَئِكَتَـهُ يُصَـلُّونَ عَلَى النَّبِيِّ يَاأَيُّهَا الَّذِيْنَ آمَنُـوا صَلُّوا عَلَيْهِ وَ سَلِّمُوا تَسْلِيْمًا ﴾

"Indeed Allah sends His honors and blessings on the Prophet and His angels [pray for him]. O believers, pray for him and send peace and blessings on him." (*Surah al-Ahzaab,* 33: 56)

The question that arises here is: Did the Prophet (ﷺ) and his companions understand this verse in this way? If they

did, why did they not celebrate his birthday as these people do? If they did not understand this verse in the way they claim, it implies that these people have a better understanding of the Qur'aan than the Companions of the Prophet (ﷺ) did – May Allah give us refuge from such a deviant claim. If, on the other hand, they claim that the Companions did understand the verse this way, they should first be asked to bring authentic proof of this claim. Since no such proof can be found, that would be sufficient to disprove their claim. However, even if their claim was accepted, for argument's sake, they would still be required to explain why the Companions failed to celebrate the Prophet's birthday when they knew they were supposed to. The claim that they did understand the verse but failed to follow its instructions is an attack on their character and piety – may Allah forgive us from such a false claim. Especially when the Prophet (ﷺ) was reported by Aboo Sa'eed al-Khudree to have said:

((لاَ تَسُبُّوا أَصْحَابِي فَلَوْ أَنَّ أَحَدَكُمْ أَنْفَقَ مِثْلَ أُحُدٍ ذَهَبًا مَا بَلَغَ مُدَّ أَحَدِهِمْ وَلاَ نَصِيفَهُ)).

"Do not curse my Companions. For if one of you gave in charity the equivalent of Mount Uhud in gold, it would not reach the equivalent of a handful[8] of what they gave or half of it."[9]

Therefore, the practice of celebrating the Prophet's birthday, which began some 400 years after his death in the Fatimid Shi'ite state based in Egypt, cannot be considered valid as it contravenes the understanding of the early generations of Islam.

[8] The actual term used in the text is *mudd* which is a dry measure of varying value. Equal to 18 litres in Palestine, and 46.6 litres in Tangier or a bushel in other estimations.

[9] *Sahih Al-Bukhari,* vol. 5, p. 17, no. 22, and *Sahih Muslim,* vol. 4, p. 1348, no. 6167-8.

CHAPTER ONE:
The Obligation of Zakaah

Looking at the actual issue at hand, the annual payment of *Zakaah*, Allah, Most Great and Glorious, repeatedly[10] commanded through-out the Qur'aan that *Zakaah* be paid, without specifying when or how. For example He, Most Glorious, said:

﴿وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَارْكَعُوا مَعَ الرَّاكِعِينَ﴾

"Establish the prayer, pay the *Zakaah* and bow along with those who bow.")*Surah al-Baqarah,* 2: 43(

There are also texts in the Sunnah that address the obligation of *Zakaah* in similarly general terms. For example,

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[10] 32 times to be exact: 2:43, 83, 110, 188, 277; 4: 77, 162; 5: 12, 55; 7: 156; 9: 5, 11, 18, 81; 18: 81; 19: 13, 31, 55; 21: 73; 22: 41, 78; 23: 4; 24: 37, 57; 27: 3; 30: 39; 31: 4; 33: 33; 41: 7; 58: 13; 73: 20; and 98: 5.

عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ قَالَ رَسُولُ اللَّهِ : ((بُنِيَ الْإِسْلاَمُ عَلَى خَمْسٍ شَهَادَةِ أَنْ لاَ إِلَهَ إِلاَّ اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ وَإِقَامِ الصَّلاَةِ وَإِيتَاءِ الزَّكَاةِ وَالْحَجِّ وَصَوْمِ رَمَضَانَ)).

Ibn ‘Umar quoted the Messenger of Allaah () as saying, “*Islaam is built on five [pillars]: the declaration that there is no god worthy of worship besides Allaah and that Muhammad is the Messenger of Allaah; establishment of* Salaah; *payment of* Zakaah; Hajj; *and fasting Ramadaan.*”[11]

عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ قَالَ رَسُولُ اللَّهِ لِمُعَاذِ بْنِ جَبَلٍ حِينَ بَعَثَهُ إِلَى الْيَمَنِ ((إِنَّكَ سَتَأْتِي قَوْمًا أَهْلَ كِتَابٍ فَإِذَا جِئْتَهُمْ

[11] *Sahih Al Bukhari,* vol. 1, p. 17, no. 7, and *Sahih Muslim,* vol. 1, pp. 9-10, no. 18.

فَـادْعُهُمْ إِلَى أَنْ يَشْـهَدُوا أَنْ لاَ إِلَـهَ إِلاَّ اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ فَإِنْ هُمْ أَطَاعُوا لَـكَ بِـذَلِكَ فَـأَخْبِرْهُمْ أَنَّ اللَّهَ قَدْ فَرَضَ عَلَيْهِمْ خَمْسَ صَلَوَاتٍ فِي كُلِّ يَوْمٍ وَلَيْلَةٍ فَـإِنْ هُمْ أَطَـاعُوا لَــكَ بِــذَلِكَ فَــأَخْبِرْهُمْ أَنَّ اللَّهَ قَــدْ فَــرَضَ عَلَيْهِمْ صَــدَقَةً تُؤْخَــذُ مِنْ أَغْنِيَـائِهِمْ فَتُـرَدَّ عَلَى فُقَـرَائِهِمْ فَـإِنْ هُمْ أَطَاعُوا لَكَ بِـذَلِكَ فَإِيَّاكَ وَكَـرَائِمَ أَمْوَالِهِمْ وَاتَّقِ دَعْـوَةَ الْمَظْلُـومِ فَإِنَّهُ لَيْسَ بَيْنَهُ وَبَيْنَ اللَّهِ حِجَابٌ.))

Ibn ‘Abbaas reported that Allaah’s Messenger (ﷺ) told Mu‘aath ibn Jabal when he dispatched him to Yemen: *“Indeed you will be going to a people from among the People of the Book. When you come to them, you should invite them to bear witness that there is no god worthy of worship besides Allah and that Muhammad is the Messenger of*

Allah. If they obey you in that, inform them that Allah has made obligatory on them five prayers in every day and night. If they obey you in that, inform them that Allah has made obligatory on them charity to be taken from the rich among them and returned to the poor among them. If they obey you in that, beware of [taking] the most precious parts of their wealth and protect yourself from the supplication of the oppressed, for there is no veil between it and Allah."[12]

Like most of the other commands in the Qur'aan, these instructions can only be understood properly through the Prophet's (ﷺ) explanations, as conveyed to us by his Companions. There are a number of authentic *hadeeths* in which the Prophet (ﷺ) gave specific instructions concerning the items and quantities on which *Zakaah* was due, as well as the time it is due. Among them is the

[12] *Sahih Al-Bukhari,* vol. 2, pp. 333-4, no. 573 and *Sahih Muslim,* vol. 1, pp. 14-5, no. 27.

following narration from ‘Alee ibn Abee Taalib:

عَنْ عَلِيٍّ رَضِيَ اللَّهُ عَنْهُ عَنْ النَّبِيِّ قَالَ: ((فَإِذَا كَانَتْ لَكَ مِائَتَا دِرْهَمٍ وَحَالَ عَلَيْهَا الْحَوْلُ فَفِيهَا خَمْسَةُ دَرَاهِمَ وَلَيْسَ عَلَيْكَ شَيْءٌ يَعْنِي فِي الذَّهَبِ حَتَّى يَكُونَ لَكَ عِشْرُونَ دِينَارًا فَإِذَا كَانَ لَكَ عِشْرُونَ دِينَارًا وَحَالَ عَلَيْهَا الْحَوْلُ فَفِيهَا نِصْفُ دِينَارٍ فَمَا زَادَ فَبِحِسَابِ ذَلِكَ قَالَ فَلاَ أَدْرِي أَعَلِيٌّ يَقُولُ فَبِحِسَابِ ذَلِكَ أَوْ رَفَعَهُ إِلَى النَّبِيِّ وَلَيْسَ فِي مَالٍ زَكَاةٌ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ إِلاَّ أَنَّ جَرِيرًا قَالَ ابْنُ وَهْبٍ يَزِيدُ فِي الْحَدِيثِ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَيْسَ فِي مَالٍ زَكَاةٌ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ.))

‘Alee ibn Abee Taalib quoted Allaah’s Messenger (ﷺ) as saying: “*Whenever you possess 200 dirhams*[13] *and a year passes on it, 5 dirhams is to be paid on it. You are not liable to pay anything until you possess 20 dinars*[14] *and a year passes on it, in which case ½ a dinar is due. Whatever exceeds that will be counted likewise*[15]*. And no* Zakaah *is payable on wealth until a year passes on it.*”[16]

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[13] Equivalent today to 611.5 grams of silver or, according to Sh Yoosuf Qardaawee’s calculation, 595 grams of silver. (*Fiqh az-Zakaah,* vol. 1, p. 260-1)

[14] Equivalent today to 87 grams of gold, or 85 grams of gold according to *Fiqh az-Zakaah,* vol. 1, p. 260-1.

[15] The narrator added here: “I am not sure whether ‘Alee said ‘counted likewise’ or he attributed it to the Prophet (ﷺ).”

[16] *Sunan Abu Dawud,* vol. 2, p. 411, no. 1568. This *hadeeth* has 10 chains of narration; 4 through al-Haarith ibn ‘Abdillaah who is classified as weak and on that basis this *hadeeth* through him is declared *da‘eef* (inauthentic), and 6 narrations through ‘Aasim ibn Damrah who is reliable and whose remaining narrators are all highly reliable (*thiqah*). Hence, the *hadeeth* is authentic, as confirmed by Shaykh al-Albaanee in *Saheeh*

عَنْ زَيْدِ بْنِ أَسْلَمَ عَنْ ابْنِ عُمَرَ قَالَ قَـالَ رَسُـولُ اللَّهِ ((مَنْ اسْـتَفَادَ مَالاً فَلاَ زَكَاةَ عَلَيْهِ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ عِنْدَ رَبِّهِ)).

Zayd ibn Aslam reported from Ibn ‘Umar that he quoted Allah’s Messenger () as saying: “*Whoever acquires wealth has no* Zakaah *to pay on it until a year passes on it in the sight of his Lord.*”[17]

Statements of the *Sahaabah* and Leading Scholars of the *Salaf*

Ayyoob, ‘Ubaydullaah ibn ‘Umar and others from Naafi‘ also reported that Ibn ‘Umar said: “Whoever acquires wealth has no Zakaah to pay on it until a

Sunan Abee Daawood, vol. 1, p. 436, no. 1573.

[17] Collected by at-Tirmithee. This *hadeeth* has 3 chains, one mentioned above, through ‘Abdur-Rahmaan ibn Zayd ibn Aslam who is classified unreliable and 2 through Naafi‘ who along with the other narrators are considered highly reliable. Consequently, Shaykh al-Albaanee classified it as authentic in *Saheeh Sunan at-Tirmithee,* vol. 1, p. 196, no. 634.

year passes on it in the sight of his Lord."[18] After narrating this statement of Ibn 'Umar, Imaam at-Tirmithee went on to say: "It has been reported by a number of Companions[19] of the Prophet (ﷺ) that no *Zakaah* is required for acquired wealth until a year has passed on it, and that is the position of Maalik ibn Anas, ash-Shaafi'ee, Ahmad, and Is'haaq. Some scholars held that ... if he acquires wealth before the year passes on it, he should pay its *Zakaah* along with the remainder of his wealth on which *Zakaah* is due. This was the position of Sufyaan ath-Thawree and the scholars of Kufah."

An-Nawawee said: "In our (Shaafi'ite) view and the views of Maalik, Ahmad and the majority of scholars, the amount of property liable for payment of *Zakaah,* such as gold, silver, or cattle, is

[18] *Saheeh Sunan at-Tirmithee,* vol. 1, p. 197, no. 635. *Muwatta' Imam Malik,* p. 133, no. 648

[19] Al-Bayhaqee narrated similar statements from Aboo Bakr, 'Aa'ishah and 'Alee.

tied to the completion of the *nisaab*[20] through the passage of a whole year. If the property falls below the *nisaab* at any time during the year, [the counting of] the year discontinues. If the *nisaab* is completed later, a new year count is resumed from the time of its completion."[21]

On the other hand, Aboo Haneefah and his students held that "what matters is the availability of the *nisaab* at the beginning and the end of the year. Its decrease at any time in between does not matter, even though the *Zakaah* payer had 200 dirhams and lost all of it except for one dirham during the year, or he had 40 sheep, all of which died except for one during the year. If at the end of the year, he had 200 dirhams or 40 sheep, then he must pay *Zakaah* on all of it."[22]

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[20] The minimum exemption limit, which is 2 ounces of gold.
[21] *Fiqh us-Sunnah,* vol. 3, pp. 8-9.
[22] Ibid.

The texts of the above-mentioned *hadeeths* and statements of the Companions and leading scholars clearly indicate that *Zakaah* is to be paid on wealth whenever a year has passed on it. This is a general principle without any restriction regarding wealth on which *Zakaah* has already been paid previously. Meaning that, if you pay this year and another year passes on your wealth, you must pay *Zakaah* again. Those who claim otherwise must bring textual proof to the contrary. It is not sufficient to show that some chains of these proofs are weak to establish the contrary. Only textual proof to the contrary can support the claim that once *Zakaah* has been paid on wealth, it no longer needs to be paid the following year. It cannot "logically" be argued, as some have tried to do, that *Zakaah* is the purification of wealth, therefore, once purified, it no longer needs purification. Allaah stated in the Qur'aan:

﴿ خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا ﴾

"Take from their wealth *Sadaqah* in order to purify them and sanctify them with it..." (*Soorah at-Tawbah,* 9: 103)

The "purification" mentioned in this verse refers to purification of their hearts from stinginess, greed and a lack of sympathy for the poor.[23] The verse does not state that it is purification of the wealth, though that is a consequence. It clearly states that *Zakaah* purifies those who pay it. Ibn Katheer stated in his commentary on this verse: "Allaah commanded His Messenger (ﷺ) to take *Sadaqah* from the money of Muslims to purify and sanctify them with it."[24] In fact, the following narration from the Prophet (ﷺ) clearly confirms that *Zakaah* purifies the individual himself:

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[23] *Fiqh us-Sunnah,* vol. 3, p. 2.
[24] *Tafsir Ibn Kathir,* vol. 4, p. 508.

عَنْ أَنَسِ بْنِ مَالِـــكٍ أَنَّهُ قَـــالَ أَتَى رَجُـــلٌ مِنْ بَنِي تَمِيمٍ رَسُـــولَ اللَّهِ فَقَـــالَ يَا رَسُـــولَ اللَّهِ إِنِّي ذُو مَـــالٍ كَثِـــيرٍ وَذُو أَهْـــلٍ وَوَلَـــدٍ وَحَاضِـــرَةٍ فَـأَخْبِرْنِي كَيْـفَ أُنْفِـقُ وَكَيْـفَ أَصْـنَعُ فَقَالَرَسُولُ اللَّهِ : ((تُخْرِجُ الزَّكَاةَ مِنْ مَالِـــكَ فَإِنَّهَا طُهْـــرَةٌ تُطَهِّرُكَ وَتَصِلُ أَقْرِبَاءَكَ وَتَعْرِفُ حَقَّ السَّائِلِ وَالْجَارِ وَالْمِسْـكِينِ فَقَـالَ يَا رَسُـولَ اللَّهِ أَقْلِلْ لِي قَـالَ فَـآتِ ذَا الْقُـرْبَى حَقَّهُ وَالْمِسْـكِينَ وَابْنَ السَّـبِيلِ وَلاَ تُبَذِّرْ تَبْذِيرًا)).

Anas ibn Maalik said: “A man from the tribe of Tameem came to the Messenger of Allah (ﷺ) and said: ‘O Messenger of Allah! I have much property, a large family, a great deal of money, and I am gracious to my guests. Tell me how to conduct my life and how to spend my wealth.’ The Messenger of Allah (ﷺ)

replied, '*Pay* Zakaah *from your property, for truly it is a purifier which purifies you. Be kind to your relatives and acknowledge the rights of the poor, neighbors and beggars, and do not squander [your wealth].*"[25]

[25] *Musnad Ahmad,* no. 11945. There is some weakness in its chain of narrators, however, as a supporting evidence.

CHAPTER TWO:
Annual Payment of Zakaah

In the previous chapter, it has been clearly shown that *Zakaah* is due on accumulated wealth above the minimum exemption limit once a year has passed on it, without distinction between newly acquired wealth and previously owned wealth. And it has been pointed out that those who claim a distinction must bring textual evidence to establish their claim. In fact, there is no textual evidence, authentic or inauthentic, to support this innovative claim. On the contrary, there are authentic narrations from the Prophet (ﷺ) and his Companions which clearly state that *Zakaah* is payable every year. For example,

عَنْ عَبْـدِ اللَّهِ بْنِ مُعَاوِيَـةَ الْغَاضِـرِيِّ مِنْ غَاضِرَةِ قَيْسٍ قَالَ قَالَ النَّبِيُّ : ﷺ

((ثَلاَثٌ مَنْ فَعَلَهُنَّ فَقَــدْ طَعِمَ طَعْمَ الإِيمَانِ مَنْ عَبَـدَ اللَّهَ وَحْـدَهُ وَأَنَّهُ لاَ إِلَهَ إِلاَّ اللَّهُ وَأَعْطَى زَكَاةَ مَالِهِ طَيِّبَةً بِهَا نَفْسُهُ رَافِدَةً عَلَيْهِ كُلَّ عَامٍ ...))

‘Abdullaah ibn Mu‘aawiyah al-Ghaadiree quoted Allaah’s Messenger (ﷺ) as saying, “*He who performs three things will have the taste of faith: One who worships Allah alone; one believes that there is no god but Allah; and one who pays* Zakaah *every year on his property...*”[26]

‘Amr ibn Shu‘ayb narrated from his father, from his grandfather (the Companion, ‘Abdullaah ibn ‘Amr ibn al-‘Aas) that he used to write to his custodian, Saalim, to extract the *Zakaah* of his daughters jewelry every year.[27]

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[26] *Sunan Abu Dawud,* vol. 2, p. 413, no. 1577 and authenticated in *Saheeh Sunan Abee Daawood,* vol. 1, pp. 297-8, no. 1400.

[27] Authentic - *Sunan ad-Daarqutnee,* vol. 2, p. 107.

These narrations are general like the previous narrations concerning payment whenever the *nisaab* is reached. The Prophet's statement "*one who pays* Zakaah *every year on his property*" indicates that payment is due on whatever property he has every year. There are no narrations distinguishing between property on which *Zakaah* has been paid and that on which it has not been paid when the time for payment arrives. Furthermore the Companion, 'Abdullaah ibn 'Amr ibn al-'Aas, instructed that *Zakaah* be extracted from his daughters' jewelry annually, clearly indicating that once *Zakaah* was paid on jewelry it did not become exempt from further payment.

Zakaah Paid in Advance

There are also authentic narrations that indicate that it is permissible for *Zakaah* to be paid a year or more in advance.

Ibn 'Abbaas said: Allaah's Messenger (ﷺ) sent 'Umar to collect *Zakaah.* When he came to al-'Abbaas

requesting the *Zakaah* of his wealth, al-'Abbaas spoke to him in a rough manner. He left and returned to the Prophet (ﷺ) and informed him. Allaah's Messenger (ﷺ) said, "*Indeed al-'Abbaas has paid the* Zakaah *of his wealth for this year and the year to come*."[28]

If *Zakaah* is paid in advance for a coming year, it must be paid on wealth currently possessed. Meaning that *Zakaah* was paid twice on the same wealth. This *hadeeth* leaves no room for any other claim regarding wealth on which *Zakaah* has already been paid. Al-'Abbaas paid *Zakaah* on his wealth twice, and that was sanctioned by the Prophet (ﷺ) clearly proving that wealth is not exempt from *Zakaah* if it has been paid once.

Az-Zuhree did not see any problem in paying his *Zakaah* before the year was complete. Al-Hasan al-Basree was once asked if a man who had paid his *Zakaah* for three years in advance had fulfilled

[28] Authentic - *Sunan ad-Daarqutnee,* vol. 2, p. 124.

his obligation and he replied in the affirmative. Of this view, ash-Shawkaanee said: “This was the view of ash-Shaafi‘ee, Ahmad and Aboo Haneefah and supported by al-Haadee and al-Qaasim.”[29]

Zakaah on the Wealth of Orphans

The following narrations concerning the wealth of orphans clearly indicate that *Zakaah* is to be repeatedly taken from the same wealth as long as it is above the *nisaab*. Meaning that payment once does not exempt wealth from *Zakaah.*

عَنْ عَمْـرِو بْنِ شُـعَيْبٍ عَنْ سَـعِيدِ بْنِ الْمُسَيَّبِ أَنَّ عُمَرَ بْنَ الْخَطَّابِ رَضِـيَ اللهُ عَنْهُ قَالَ: اِبْتَغُوا بِـأَمْوالِ الْيَتَـامَى لا تَأْكُلُهَا الصَّدَقَةُ .

‘Amr ibn Shu‘ayb reported from Sa‘eed ibn al-Musayyab that [the second Righteous Caliph,] ‘Umar ibn al-Khattaab, said:

[29] *Fiqh us-Sunnah,* vol. 3, p. 11.

“Trade with the orphans’ wealth so that *Zakaah* will not consume it.”[30] [31]
Similar statements were narrated from ‘Alee ibn Abee Taalib, ‘Aa’ishah and Ibn

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[30] *Sunan ad-Daaraqutnee,* vol. 2, p. 110 and *Sunan al-Kubraa* in which al-Bayhaqee said: “Its chain is *saheeh* and it has other supporting narrations from ‘Umar.” It is also authentically narrated by Maalik in his *al-Muwatta,* see *Muwatta’ Imam Malik,* p. 134, no. 654 (Ibn Hajar rated it authentic in *al-Talkhees*).

[31] As for the following narration from the Prophet,

عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ أَنَّ النَّبِيَّ خَطَبَ النَّاسَ فَقَالَ: ((أَلاَ مَنْ وَلِيَ يَتِيمًا لَهُ مَالٌ فَلْيَتَّجِرْ فِيهِ ولاَ يَتْرُكْهُ حَتَّى تَأْكُلَهُ الصَّدَقَةُ))

‘Amr ibn Shu‘ayb reported from his father from his grandfather that the Prophet () gave a talk to the people [in which he said]: “*If anyone is a guardian of an orphan who owns property, he should trade with it and not leave it until the* Zakaah *consumes it.*” At-Tirmithee (3: 32) judged this narration to be inauthentic due to the presence of al-Muthannaa ibn as-Sabaah in its chain of narrators and ad-Daarqutnee and others

'Umar.[32] Furthermore, it was the reported practice of some of the leading scholars among the Companions to extract *Zakaah* annually from the wealth of orphans under their care. Naafi' reported that 'Abdullaah ibn 'Umar used to have the wealth of orphans with him and he used to borrow from it to protect it from being consumed. He also used to pay its *Zakaah* every year from their wealth.[33]

Consequently, the statement of 'Umar and the practice of his son, 'Abdullaah ibn 'Umar, as well as other leading Companions of the Prophet (ﷺ), are sufficient proofs confirming the obligation of extracting *Zakaah* annually from the same wealth as long as it remains above the *nisaab.*

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affirmed that it was a statement of 'Umar ibn al-Khattaab (*at-Talkhees,* 2: 157).

[32] *Tuhfatul-Ahwathee,* vol. 3, p. 238.

[33] Authentic - *Musannaf 'Abdir-Razzaaq,* no. 7001.

Punishment for not Paying Zakaah

Non-payment of *Zakaah* is a very serious sin that should not be taken lightly. In this life, the punishment is confiscation of half of one's wealth by the Muslim state.

عَنْ بَهْزِ بْنِ حَكِيمٍ قَالَ حَدَّثَنِي أَبِي عَنْ جَدِّي قَالَ سَمِعْتُ النَّبِيَّ يَقُولُ: ((فِي كُلِّ إِبِلٍ سَائِمَةٍ فِي كُلِّ أَرْبَعِينَ ابْنَةُ لَبُونٍ لاَ يُفَرَّقُ إِبِلٌ عَنْ حِسَابِهَا مَنْ أَعْطَاهَا مُؤْتَجِرًا فَلَهُ أَجْرُهَا وَمَنْ أَبَى فَإِنَّا آخِذُوهَا وَشَطْرَ إِبِلِهِ عَزْمَةٌ مِنْ عَزَمَاتِ رَبِّنَا لاَ يَحِلُّ لآِلِ مُحَمَّدٍ مِنْهَا شَيْءٌ)).

Bahz ibn Hakeem reported from his grandfather: The Messenger of Allah () said, "*For pasturing camels, one she-camel in her third year is to be given. The camels are not to be separated from reckoning. He who pays* Zakaah *with the intention of getting rewarded will be rewarded. If anyone evades* Zakaah *we will take half of his property from him as*

a due from our Lord's dues. It is not permissible for anyone from the family of Muhammad (ﷺ) *to take anything from it."*[34]

Where there is no Muslim rule or the Muslim government does not collect *Zakaah*, it may seem that the delinquent individuals have escaped. However, Allah and His Messenger (ﷺ) have promised an extremely severe punishment in the Hereafter.

[34] Collected by an-Nasaa'ee and Aboo Daawood (*Sunan Abu Dawud*, vol. 2, pp. 411-2, no. 1570) and authenticated in *Saheeh al-Jaami' as-Sagheer*, no. 4265. The wording of the English is that of Aboo Daawood.

﴿ وَالَّذِيْنَ يَكْنِـــزُونَ الـــذَّهَبَ وَالْفِضَّةَ وَيُنْفِقُونَهَا فِي سَبِيْلِ اللــهِ فَبَشِّــرْهُمْ بِعَـذَابٍ أَلِيمٍ . يَـــوْمَ يُحْمَى عَلَيْهِمْ فِي نَـــارِ جَهَنَّمَ فَتُكْـــوَى بِهَا جِبَـــاهُهُمْ وَجُنُـوبُهُمْ وَظُهُـورُهُمْ هَـذَا مَا كَنَـزْتُمْ لِأَنْفُسِـكُمْ فَـذُوقُوا مَا كُنْتُمْ تَكْنِزُونَ ﴾

“… Give tidings of a severe punishment for those who store gold and silver and do not spend it in Allaah’s way. On the Day when [the hoarded treasure] will be heated in the Hell Fire and their foreheads, sides and backs will be branded with it, [it will be said:] ‘This is the treasure you hoarded for yourselves. Now taste what you used to hoard.”)*Surah at-Tawbah,* 9: 34-5(

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّه ﷺ: ((مَنْ آتَاهُ اللَّهُ مَالاً فَلَمْ يُؤَدِّ زَكَاتَهُ مُثِّلَ لَهُ مَالُهُ يَوْمَ الْقِيَامَةِ شُجَاعًا أَقْرَعَ لَهُ زَبِيبَتَانِ يُطَوَّقُهُ يَوْمَ الْقِيَامَةِ ثُمَّ يَأْخُذُ بِلِهْزِمَتَيْهِ يَعْنِي بِشِدْقَيْهِ ثُمَّ يَقُولُ أَنَا مَالُكَ أَنَا كَنْزُكَ ثُمَّ تَلاَ لاَ يَحْسِبَنَّ الَّذِينَ يَبْخَلُونَ الآيَةَ)).

Aboo Hurayrah reported that Allaah's Messenger (ﷺ) said, "*Whomever Allah has blessed with wealth but does not pay* Zakaah *on his wealth, then on the Day of Resurrection his wealth will be made like a bald-headed poisonous male snake, with two black spots over its eyes. The snake will encircle his neck and bite his cheeks and say, 'I am your wealth, I am your treasure.'* " Then the Prophet (ﷺ) recited the verse, "**Let not those who stingily withhold of that which Allah**

has bestowed on them of His bounty think that it is good for them. No! Rather, it is worse for them, [for] the things that they greedily withhold will be tied to their necks like a collar on the Day of Resurrection." (*Surah Aali 'Imraan,* 3: 180)[35]

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ : ((مَا مِنْ صَاحِبِ كَنْزٍ لاَ يُؤَدِّي زَكَاتَهُ إِلاَّ أُحْمِيَ عَلَيْهِ فِي نَارِ جَهَنَّمَ فَيُجْعَلُ صَفَائِحَ فَيُكْوَى بِهَا جَنْبَاهُ وَجَبِينُهُ حَتَّى يَحْكُمَ اللَّهُ بَيْنَ عِبَادِهِ فِي يَوْمٍ كَانَ مِقْدَارُهُ خَمْسِينَ أَلْفَ سَنَةٍ ثُمَّ يَرَى سَبِيلَهُ إِمَّا إِلَى الْجَنَّةِ وَإِمَّا إِلَى النَّارِ)).

Aboo Hurayrah also quoted Allah's Messenger () as saying, "*Every owner of treasure [stored wealth] who doesn't pay its* Zakaah*, will have [his hoard] heated in the Hellfire and made into plates, then*

[35] *Sahih Al Bukhari*, vol. 2, pp.276-7, no. 486.

his sides and forehead will be burned with it until Allaah judges between His slaves on a Day equivalent to fifty thousand years. Then he will see his path leading to either Paradise or Hell."[36]

Thus, as attractive as this false opinion may seem to many, especially the rich and those financially well off, the truth of the matter is as clear as day – as an-Nu'maan ibn Basheer quoted the Prophet (ﷺ) as saying:

عَنْ النُّعْمَانِ بْنِ بَشِيرٍ قَالَ سَمِعْتُهُ يَقُولُ سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ وَأَهْوَى النُّعْمَانُ بِإِصْبَعَيْهِ إِلَى أُذُنَيْهِ : ((إِنَّ الْحَلاَلَ بَيِّنٌ وَإِنَّ الْحَرَامَ بَيِّنٌ وَبَيْنَهُمَا مُشْتَبِهَاتٌ لاَ يَعْلَمُهُنَّ كَثِيرٌ مِنْ النَّاسِ فَمَنْ اتَّقَى الشُّبُهَاتِ اسْتَبْرَأَ لِدِينِهِ وَعِرْضِهِ وَمَنْ وَقَعَ فِي الشُّبُهَاتِ وَقَعَ فِي الْحَرَامِ)).

[36] *Sahih Muslim,* vol. 2, p. 472, no. 2163.

"*The* halaal *is clear and the* haraam *is clear, and between them are doubtful things. Whoever avoids the doubtful has protected his religion and honor and whoever falls into the doubtful will [eventually] fall into the* haraam."[37]

[37] *Sahih Al-Bukhari*, vol. 1, p. 44, no. 49 and *Sahih Muslim*, vol. 3, p. 840, no. 3882. (the wording here is that of *Sahih Muslim*)

CONCLUSION

The overwhelming evidence from the texts of the Qur'aan, Sunnah, statements of the Companions of the Prophet (ﷺ) and the leading scholars of the Ummah leave no room for doubt about the obligation of payment of *Zakaah* every year on wealth as long as it remains above the *niṣaab*, whether *Zakaah* was paid on it during the previous year or not. Furthermore, *Zakaah* is due on wealth of the past years even if it was not paid due to ignorance or negligence. It remains an obligation until death and a sin against the one who has neglected it before Allah. One has to sincerely repent for one's errors in the past, approximate what was due and pay it all off immediately.

And all praise is due to Allah, by whose Grace alone all good deeds are accomplished.

APPENDIX

The following is the complete Arabic text of what was submitted by the Chennai scholar in response to my refutation of his *fatwaa* allowing *Zakaah* to be paid only once on a particular quantity of wealth, after it was translated to him. It is followed by its translation done with the help of Dr. Wasim Ahmad of the Department of Arabic and Islamic Studies at Preston University, Ajman.

الزكوة في كل عام

سنن الترمذي ج: 3 ص: 32

641 حـدثنا محمد بن إسـماعيل حـدثنا إبـراهيم بن موسى حدثنا الوليد بن مسلم عن المثنى بن الصباح عن عمـرو بن شـعيب عن أبيه عن جـده أن النـبي صـلى الله عليه وسـلم خطب النـاس فقـال ألا من ولى يتيما له مـال فليتجر فيه ولا يتركه حـتى تأكله الصدقة قال أبو عيسى وإنما روي هـذا الحـديث من هذا الوجه وفي إسناده مقال لأن المثنى بن الصـباح يضعف هذا الحديث وروى بعضـهم هـذا الحـديث عن عمـرو بن شـعيب أن عمر بن الخطـاب فـذكر هـذا الحديث

الدراية في تخريج أحاديث الهداية ج: 1 ص: 249

ويعارضه حديث عمرو بن شعيب عن أبيه عن جده عبدالله بن عمـرو بن العـاص أن رسـول الله صـلى الله عليه وسلم قال من ولى يتيما له مال فليتجر له ولا يتركه حتى تأكله الصدقة أخرجه الترمذي وضعفه برواية المثـــنى بن الصـــباح وقد تابعه منـــدل عن الشيباني عن عمرو ابن شعيب عند الـدارقطني لكن منـدل ضـعيف وكـذا الـراوي عنه وأخرجه أيضا من طريق العزرمي عن عمـرو والعـزرمي ضـعيف قـال الدارقطني والصحيح أنه من كلام عمرو

تلخيص الحبير ج: 2 ص: 157

824 حديث روي أنه صلى الله عليه وسلم قال من ولى يتيما فليتجر له ولا يتركه حـــتى تأكله الصـــدقة الترمذي والدارقطني والبيهقي من حديث عمـــرو بن شعيب عن أبيه عن جده عبد الله بن عمـــرو به وفي إسـنادهم المثـنى بن الصـباح وهو ضـعيف وقد قـال الترمـــذي إنما يـــروى من هـــذا الوجه وقد روي عن عمرو بن شعيب عن عمر بن الخطـاب موقوفا عليه انتهى وقال مهنا سألت أحمد عنه فقال ليس بصحيح يرويه المثنى عن عمرو ورواه الدارقطني من حديث أبي إسحاق الشيباني أيضا عن عمرو بن شعيب لكن راويه عنه منـدل بن علي وهو ضـعيف ومن حـديث العرزمي عن عمرو والعرزمي ضعيف مـتروك ورواه بن عـدي من طريق عبد الله بن علي وهو الإفـريقي وهو ضعيف وقال الدارقطني في العلل رواه حسـين المعلم عن مكحول عن عمرو بن شـعيب عن سـعيد بن المسـيب عن عمر ورواه بن عيينة عن عمـرو بن

دينـار عن عمـرو بن شـعيب عن عمر لم يـذكر بن المسـيب وهو أصح قلت وإيـاه عـني الترمـذي 825 حديث روي أنه صلى الله عليه وسلم قال ابتغوا في أمـوال اليتـامى لا تأكلها الزكـاة الشـافعي عن عبد المجيد بن أبي رواد عن بن جـــــريج عن يوسف بن ماهك به مرسلا ولكن أكـــده الشـــافعي بعمـــوم الأحاديث الصحيحة في إيجاب الزكاة مطلقا

وروى الـبيهقي من حـديث سـعيد بن المسـيب عن عمر موقوفا عليه مثله وقال إسناده صحيح

وروى الشافعي عن بن عيينة عن أيوب عن نافع عن بن عمر موقوفا أيضا

وروى الـبيهقي من طريق شـعبة عن حميد بن هلال سمعت أبا محجن أو بن محجن وكـان خادما لعثمـان بن أبي العاص قال قدم عثمان بن أبي العـاص على عمر فقال له عمر كيف متجر أرضك فإن عندي مال يتيم قد كادت الزكاة أن تفنيه قال فدفعه إليه

وروى أحمد بن حنبل من طريق معاوية بن قـرة عن الحكم بن أبي العـــــاص عن عمر نحـــــوه ورواه الشـافعي عن بن عيينة عن أيـوب عن نـافع عن بن عمر موقوفا أيضا

تنبيه روى البيهقي من طريق ليث بن أبي سليم عن مجاهد عن بن مســعود قـــال من ولي مـــال يـــتيم فليحص عليه السـنين وإذا دفع إليه ماله أخـبره بما فيه من الزكاة فإن شـاء زكى وإن شـاء تـرك وأعله الشـــافعي بالانقطـــاع وبـــأن ليثا ليس بحافظ وفي الباب عن بن عباس وفيه بن لهيعة

خلاصة البدر المنير ج: 1 ص: 292
1009 حـــديث من ولى يتيما فليتجر له ولا يتركه حــتى تأكله الصــدقة رواه الترمــذي والــدارقطني والــبيهقي من رواية عمــرو بن شــعيب عن أبيه عن جـده قـال الترمـذي هـذا الحـديث إنما يـرو من هـذا الوجه وفي إسـناده مقـال لأن المثـنى ابن الصـباح يضعف في الحديث
1010 حـديث ابتغـوا في امـوال اليتـامى لا تأكلها الزكـــاة رواه الشـــافعي من رواية يوسف بن ماهك مرسلا بلفظ ابتغــوا في مــال اليــتيم أو في مــال اليتــامى لا تــذهبها أو لا تســتهلكها الصــدقة وأكــده الشافعي بعموم الحديث الصحيح في إيجـاب الزكـاة مطلقا وبما روي عن الصحابة في ذلك
نصب الراية ج: 2 ص: 330
أحاديث زكاة مال اليتيم أو الصغير اخـرج الترمـذي عن المثنى بن الصباح عن عمرو بن شـعيب عن أبيه عن جـده عبد الله بن عمـرو بن العـاص ان رسـول الله صـلى الله عليه وسـلم خطب النـاس فقـال من ولى يتيما له مـــال فليتجر له ولا يتركه حـــتى تأكله الصدقة انتهى قال الترمذي انما يروى هـذا الحـديث من هذا الوجه وفي إسناده مقال لان المثنى يضـعف في الحـديث انتهى وقـال صـاحب التنقيح رحمه الله قــال مهما سـألت احمد بن حنبل عن هـذا الحـديث فقال ليس بصحيح انتهى
سنن الدارقطني ج: 2 ص: 110

2 حـدثنا أبو محمد بن صـاعد ثنا أحمد بن عبيد بن إسـحاق العطـار بالكوفة ثنا أبي ثنا منـدل عن أبي إسحاق الشيباني عن عمـرو بن شـعيب عن أبيه عن جـده قـال قـال رسـول الله صـلى الله عليه وسـلم احفظوا اليتامى في أموالهم لا تأكلها الزكاة
سنن الدارقطني ج: 2 ص: 110
4 حدثنا محمد بن إسماعيل الفارسي ثنا يحـيى بن أبي طـالب أنا عبد الوهـاب ثنا حسـين المعلم عن عمرو بن شعيب عن سعيد بن المسـيب أن عمر بن الخطاب رضي الله عنه قال ابتغوا بأموال اليتامى لا تأكلها الصدقة (موقوف)
نصب الراية ج: 2 ص: 331
طريق آخر أخرجه الـدارقطني في سـننه عن عبيد الله بن إسحاق ثنا منـدل عن أبي إسـحاق الشـيباني عن عمـرو بن شـعيب عن أبيه عن جـده قـال قـال رسـول الله صـلى الله عليه وسـلم نحـوه قـال الـدارقطني الصـحيح انه من كلام عمر انتهى وعبيد الله بن إسحاق ضـعيف ومنـدل قـال بن حبـان كـان يرفع المراسيل ويسند الموقوفـات من سـوء حفظه فلما فحش ذلك منه استحق الترك انتهى
طريق آخر أخرجه الـدارقطني أيضا عن محمد بن عبيد الله العرزمي عن عمرو بن شعيب عن أبيه عن جده قال قال رسول الله صلى الله عليه وسـلم في مال اليتيم زكـاة قـال الـدارقطني العـرزمي ضـعيف وقال صـاحب التنقيح هـذه الطـرق الثلاثة ضـعيفة لا يقوم بها حجة انتهى

نصب الراية ج: 2 ص: 332
حديث آخر رواه الطبراني في معجمه الوسط حدثنا على بن سعيد الرازي ثنا الفرات بن محمد القيرواني ثنا شجرة بن عيسى المغافري عن عبد الملك بن أبي كريمة عن عمارة بن غزية عن يحيى بن سعيد عن أنس بن مالك قال قال رسول الله صلى الله عليه وسلم اتجروا في أموال اليتامى لا تأكلها الزكاة انتهى قال الطبراني لا يروى هذا الحديث عن أنس إلا بهذا الإسناد انتهى
المعجم الأوسط ج: 4 ص: 264
4152 حدثنا علي قال نا الفرات بن محمد القيرواني قال نا شجرة بن عيسى المغافري عن عبد الملك بن ابي كريمة عن عمارة بن غزية عن يحيى بن سعيد عن انس بن مالك قال قال رسول الله ص اتجروا في اموال اليتامى لا تأكلها الزكاة
المصدر: الضعفاء الكبير
عمارة بن غزية حدثنا محمد بن عيسى قال حدثنا صالح قال حدثنا علي قال قلت لسفيان كنت جالست عمارة بن غزية قال نعم جالسته كم من مرة فلم أحفظ عنه شيئا ثم قال لي سفيان إيش روى قلت بن أبي سعيد الخدري عن أبيه قال من سأل وله أوقية قال سفيان هذا وحدثناه عن زيد بن أسلم عن عطاء بن يسار
لسان الميزان
1319 فرات بن محمد بن فرات العبدي القيرواني سمع من أبي زكريا الحضرمي وابن رشيد وغيرهما

بإفريقية ومن أبي بكـــير واصـــبغ ونعيم بن حمـــاد وغـيرهم بمصر قـال أبو العـرب سـمعت منه كثـيرا وقـــال بن حـــارث كـــان يغلب عليه الرواية والجمع ومعرفة الاخبـــار وكـــان ضـــعيفا متهما بالكـــذب أو معروفا به مات سنة اثنتين وتسعين ومائتين

مجمع الزوائد ج: 3 ص: 67

عن أنس بن مالك رضي الله عنه قال قال رسـول الله صلى الله عليه وسلم اتجروا في أموال اليتـامى لا تأكلها الزكاة رواه الطبراني في الأوسط وأخبرني سيدي وشيخي إن إسناده صحيح

المعجم الأوسط ج: 1 ص: 298

998 حدثنا أحمد قال حدثنا عبد العزيز قـال حـدثنا مندل بن علي عن سليمان عن عمرو بن شعيب عن أبيه عن جـده عن النـبي قـال ابتغـوا اليتـامى في أموالهم لا تأكلها الزكاة

تحفة الأحوذي ج: 3 ص: 238

قوله منهم عمر وعلي وعائشة وابن عمر روى مالك في الموطأ عن عمر بن الخطاب قـال اتجـروا في أمـوال اليتـامى لا تأكلها الزكـاة ورواه الـبيهقي وقال إسناده صحيح قاله الحافظ في التلخيص وقال فيه وروى الشـــافعي عن ابن عيينة عن أيـــوب عن نـــــافع عن ابن عمر موقوفا أيضا قـــــال وروى الـدارقطني والـبيهقي وابن عبد الـبر ذلك من طـرق عن علي بن أبي طالب وهو مشهور عنه انتهى.

***Zakaah* Every Year**

***Sunan at-Tirmithee,* vol. 3, p. 32**
641. Muhammad ibn Ismaa'eel narrated to me that al-Waleed ibn Muslim narrated from al-Muthannaa ibn as-Sabaah from 'Amr ibn Shu'ayb from his father from the grandfather that the Prophet (ﷺ) addressed the people and said: "*Indeed! Those who are put in charge of the wealth of orphans should trade with that wealth and not leave it, lest Zakaah eats it up*." Aboo 'Eesaa [at-Tirmithee] said that this Hadeeth was narrated in this way and [he mentioned that] there is some criticism in its chain because [the presence of] al-Muthannaa ibn as-Sabaah caused it to be *da'eef.* Some have narrated it from 'Amr ibn Shu'ayb from 'Umar ibn al-Khattaab and then he [Aboo 'Eesaa] mentioned this Hadeeth.

***Ad-Diraayah fee Takhreej Ahaadeeth al-Hidaayah,* vol. 1, p. 249**
It is contradicted by the Hadeeth of 'Amr ibn Shu'ayb from his father from his grandfather, 'Abdullaah ibn 'Amr ibn al-'Aas, that the Prophet (ﷺ) said: "*One who is put in charge of an orphan who has wealth he should trade with it and not leave it so that charity eats it away*." At-Tirmithee has recorded it and considered it *da'eef* from al-Muthannaa ibn as-Sabaah's narration. Mandal has a similar narration from ash-Shaybaanee from 'Amr ibn Shu'ayb from ad-Daarqutnee, but Mandal is *da'eef* and so is the narrator from him. He has also recorded from al-'Azramee from

‘Amr, but al-‘Azramee is [also] *da‘eef.* Ad-Daarqutnee said that the truth [in this matter] is that [the narration] is from ‘Amr’s sayings.

***At-Talkees al-Habeer*, vol. 2, p. 157**

824. It is narrated from the Prophet (ﷺ) that he said, “*One who is put in charge of the affairs of an orphan should trade with his wealth and should not leave it, lest* Zakaah *eats up his whole wealth.*” At-Tirmithee, ad-Daarqutnee, al-Bayhaqee [collected it] from the *hadeeth* of ‘Amr ibn Shu‘ayb from his father from his grandfather, ‘Abdullaah ibn ‘Umar. Al-Muthannaa ibn as-Sabaah is in its chain of narrators and he is *da‘eef*. At-Tirmithee says it is narrated in this way and it is also narrated from ‘Amr ibn Shu‘ayb stopping at ‘Umar ibn al-Khattaab. Muhannaa said: “I asked Ahmad about it and he replied that it was not *saheeh*.” Al-Muthannaa also narrated it from ‘Amr and ad-Daarqutnee narrated it from the *hadeeth* of Aboo Is’haaq ash-Shaybaanee also from ‘Amr ibn Shu‘ayb, but the one who narrates it from him, Mandal ibn ‘Alee, is *da‘eef,* and from the *hadeeth* of al-‘Azramee from ‘Amr, but al-‘Azramee was *da‘eef* and to be avoided (*matrook*). Ibn ‘Adee narrated it by way of ‘Abdullaah ibn ‘Alee, al-Ifreeqee, who is *da‘eef*. Ad-Daarqutnee said in *al-‘Ilal,* that Husayn al-Mu‘allim has narrated from Makhool from ‘Amr ibn Shu‘ayb from Sa‘eed ibn al-Musayyab from ‘Umar and Ibn ‘Uyaynah has narrated it from

‘Amr ibn Deenaar from ‘Amr ibn Shu‘ayb from ‘Umar and Ibn al-Musayyab has not been mentioned and it is the most correct. I said: And that is what at-Tirmithee meant.

825. A Hadeeth in which it was narrated that the Prophet (ﷺ) said: “*Seek [Allah’s favours] with the wealth of orphans so that* Zakaah *does not consume it.*” Ash-Shaafi‘ee narrated from ‘Abdul-Majeed ibn Abee Rawwaad from Ibn Jurayj from Yoosuf ibn Maahak in the form of a *mursal* narration. But ash-Shaafi‘ee has strengthened it with the general import of authentic *hadeeths* which make *Zakaah* absolutely obligatory. Al-Bayhaqee has narrated from the *hadeeth* of Sa‘eed ibn al-Musayyab from ‘Umar and ending with him (*mawqoof*) similar to this Hadeeth and said that its chain of narrators was good.

Ash-Shaafi‘ee has also narrated from Ibn ‘Uyaynah from Ayyoob from Naafi‘ and ending with ‘Umar.

Al-Bayhaqee narrated from Shu‘bah from Humayd ibn Hilaal who said that he heard Aboo Mihjan or Ibn Mihjan, was a servant of ‘Uthmaan ibn Abee al-‘Aas. He said: “ ‘Uthmaan ibn Abee al-‘Aas came to ‘Umar and ‘Umar asked him: “How’s trade in your area? I have the wealth of an orphan and *Zakaah* has almost consumed it.” So he gave it to him.

Ahmad ibn Hambal collected a similar narration from Mu‘aawiyah ibn Qurrah from al-

Hakam ibn Abee al-'Aas from 'Umar. Ash-Shaafi'ee has also narrated it from Ibn 'Uyaynah from Ayyoob from Naafi' from Ibn 'Umar stopping at him (*mauqoof*).

Note: Al-Bayhaqee narrated from Layth ibn Abee Sulaym from Mujaahid from Ibn Mas'ood that he said: "*Whoever is put in charge of the wealth of an orphan should protect it from the [passage of] years and when handing over his wealth to him, he should inform him of the Zakaah due from it. Then if he likes he would pay it or leave it*." Ash-Shaafi'ee considered it defective because of a break [in its chain of narrators] and because Layth did not have a good memory. There is in this chapter a *hadeeth* from Ibn 'Abbaas containing Ibn Lahee'ah.

1009. The *hadeeth* "*One who is put in charge of an orphan should trade on his behalf and not leave his wealth to be consumed by Zakaah*," has been narrated by at-Tirmithee, ad-Daarqutnee and al-Bayhaqee from the narration of 'Amr ibn Shu'ayb from his father from his grandfather. At-Tirmithee said that this *hadeeth* has been narrated only from this way and there is criticism in it because al-Muthannaa ibn as-Sabaah weakens it.

1010. The *hadeeth, "Seek [Allah's favour] in the property of orphans so that* Zakaah *doesn't*

consume it," has been narrated from ash-Shaafi'ee through Yoosuf ibn Maahak in a disconnected form (*mursal*), with the wording "… *in the properties of the orphans so that* Zakaah *doesn't cause it to vanish or consume it.*" Ash-Shaafi'ee has strengthened it with the general import of authentic *hadeeth* concerning the absolute obligation of *Zakaah* and also from what has been reported from the Companions of the Prophet (ﷺ) concerning it.

***Nasb ar-Raayah*, vol. 2, p. 330**

The *hadeeths* about *Zakaah* on the orphan's or young person's wealth collected by at-Tirmithee from al-Muthannaa ibn as-Sabaah from 'Amr ibn Shu'ayb from his father from his grandfather 'Abdullaah ibn 'Amr ibn al-'Aas that the Messenger of Allaah (ﷺ) addressed the people and said: *"Any one put in charge of the wealth of an orphan should trade with it for him and not leave it until* Zakaah *consumes it.*" At-Tirmithee said that this *hadeeth* has been reported only by this way and there is criticism its chain of narrators because al-Muthannaa caused the *hadeeth* to be weak. The author of *at-Tanqeeh* – may Allaah have mercy on him, said: Muhannaa said: I asked Ahmad ibn Hambal about this *hadeeth* and he replied: It is not authentic.

***Sunan ad-Daarqutnee*, vol. 2, p. 110**

2. Aboo Muhammad ibn Saa'id narrated that he heard from Ahmad ibn 'Ubayd ibn Is'haaq al-'Attaar in Kufah, that he heard from Ubayy who heard it from Mandal from Abee Is'haaq ash-Shaybaanee from 'Amr ibn Shu'ayb from his father from his grandfather who said that the Prophet (ﷺ) said: "*Protect the orphans regarding their wealth so that* Zakaah *doesn't consume it.*"

***Sunan ad-Daarqutnee,* vol. 2, p. 110**
4. Muhammad ibn Ismaa'eel al-Faarsee narrated to us from Yahyaa ibn Abee Taalib from 'Abdul-Wahhaab from Husayn al-Mu'allim from 'Amr ibn Shu'ayb from Sa'eed ibn al-Musayyab that 'Umar ibn al-Khattaab said: "*Seek [Allah's favour] in the wealth of orphans so that* Zakaah *doesn't consume it.*" (*mawqoof*)

***Nasb ar-Raayah*, vol. 2, p. 331**
Ad-Daarqutnee has collected it in his *Sunan* from another path on the authority of 'Ubaydullaah ibn Is'haaq from Mandal from Abee Is'haaq ash-Shaibaanee from 'Amr ibn Shu'ayb from his father from his grandfather who reported that the Prophet (ﷺ) made similar [statement]. Ad-Daarqutnee remarked that the truth was that it was from the sayings of 'Umar. 'Ubaidullaah ibn Is'haaq and Mandal are weak. Ibn Hibbaan said that [Mandal] attributed to the Prophet () *hadeeths* in which the name of the Companion was deleted (*mursal*) and turned statements of

the Companions into statements of the Prophet (ﷺ) due to his bad memory and when it became wide spread from him he deserved to be abandoned.

Ad-Daarqutnee collected it from another path on the authority of Muhammad ibn ‘Ubaydullaah al-‘Azramee from ‘Amr ibn Shu‘ayb from his father from his grandfather who reported that the Prophet (ﷺ) said: “Zakaah *should be taken from the wealth of the orphan*.” Ad-Daarqutnee said that Al-‘Azramee was unreliable and the author of *at-Tanqeeh* said that all these three channels are weak. [Therefore] no proof could be based upon them.

***Nasb ar-Raayah,* vol. 2, p. 332**

Another Hadeeth is reported by at-Tabaraanee in *Mu‘jam, al-Waseet* on the authority of ‘Alee ibn Sa‘eed ar-Raazee who heard it from al-Furaat ibn Muhammad al-Qayrawaanee who got it from Shajarah ibn ‘Eesaa al-Maghaafiree from ‘Abdul-Malik ibn Abee Kareemah from ‘Ammaarah ibn Ghaziyyah from Yahyaa ibn Sa‘eed from Anas ibn Maalik that the Prophet (ﷺ) said, “*Do business with the properties of the orphans, so that* Zakaah *doesn‘t consume it*.” At-Tabraanee observed that this *hadeeth* is only conveyed on the authority of Anas through this chain.

***Al-Mu‘jam al-Awsat,* vol. 4, p. 264**

4152. ‘Alee narrated from al-Furaat ibn Muhammad al-Qayrawaanee from Shajarah ibn

‘Eesaa al-Maghaafiree from ‘Abdul-Malik ibn Abee Kareemah from ‘Ammarah ibn Ghaziyyah from Yahyaa ibn Sa‘eed from Anas ibn Maalik that the Prophet (ﷺ) said, “*Do business with the properties of the orphans, so that* Zakaah *doesn’t consume it.*”

Source: *Ad-Du‘afaa al-Kabeer*

‘Ammaarah ibn Ghaziyyah from Muhammad ibn ‘Eesaa from Saalih from ‘Alee who said: “I asked Sufyaan: You used to sit with ‘Ammaarah ibn Ghaziyyah?” He replied: “Yes. I sat with him many times. But I didn’t memorize anything from him.” Then Sufyaan said to me, “What has he narrated?” I said: “[On the authority of] Ibn Abee Sa‘eed al-Khudree from his father who said that whoever begs and has an ounce [of silver].” Aboo Sufyaan said this was it. And we have narrated it from Zayd ibn Aslam from ‘Ataa’ ibn Yasaar.

Lisaan al-Meezaan

1319. Furaat ibn Muhammad ibn Furaat al-‘Abdee al-Qayrawaanee heard [*hadeeths*] from Aboo Zakariyyaa al-Hadramee, Ibn Rasheed and others in Africa, and from Aboo Bakr, Isbagh and Nu‘aym ibn Hammaad and others in Egypt. Abul-‘Arab said: “I heard a lot of narrations from him. Ibn Haarith said: “He had many narrations, harmonizations, and knowledge of *hadeeths.*” He

was weak and was accused of telling lies or it was known about him. He died in 292 AH.

***Ma'jma uz-Zawaa'id*, vol. 3, p. 238**
Anas ibn Maalik quoted the Prophet (ﷺ) as saying, "*Do business with the property of the orphans so that* Zakaah *doesn't consume it.*" It was narrated by at-Tabaraanee in *al-Awsat* and my master and teacher informed me that its chain of narrators was sound.

***Al-Mu'jam al-Awsat*, vol. 1, p. 298**
998. Ahmad narrated to us from 'Abdul 'Azeez who was told by Mandal ibn 'Alee from Sulaymaan from 'Amr ibn Shu'ayb from his father and grandfather that the Prophet (ﷺ) said: "*Seek (Allah's) favour in the wealth of orphans so that* Zakaah *does not consume it.*"

***Tuhfatul-Ahwathee*, vol. 111, p. 238**
... His statement: Among them are 'Umar, 'Alee, 'Aa'ishah, and Ibn 'Umar. Maalik has recorded in *al-Muwattaa* from 'Umar ibn al-Khattaab who said, "Do business in the property of the orphans so that *Zakaah* does not consume it." Al-Bayhaqee narrated it and said its chain of narrators is sound. Al-Haafith said the same in *at-Talkhees* and remarked about it saying: "Ash-Shaafi'ee has narrated it from Ibn 'Uyaynah from Ayyoob from Naafi' from Ibn 'Umar ending with him (*mauwqoof*), too. He also said: Ad-Daarqutnee, al-

Bayhaqee and Ibn Abdul Barr narrated the same [statement] in different ways from ‘Alee ibn Abee Taalib and it is well-known from him.

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